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ABSTRACT

In 1983 the Federal Communications Commission began allowing television and radio stations to stage their own political debates between candidates of their own choosing, but few broadcasters have been taking full advantage of the rule. Section 315 of The Communications Act requires that if a station grants use of the broadcasting station to a legally qualified candidate, then all other qualified candidates for that office shall have equal access. It appears that qualified, minor party candidates no longer have equal access to airwaves, and interviews conducted with television news managements at five western New York commercial television stations confirm this fact. All news personnel agreed that they chose the most hotly contested race of that particular season for a debate, and that if a minor party candidate did not pose much of a threat to an incumbent, that race was not considered for coverage in a debate format. Selection of a particular race for a debate was based on what kind of television would result, while at the same time serving broad public interest. Minor party candidates were covered by all of the stations interviewed only within the forum of the daily newscasts. The choice of having only major party candidates in a televised debate is not solely based on public interest--production value, convenience of format, and minimizing revenue losses are other considerations. (Twelve footnotes are appended.) (MM)

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"Free to Choose: The Televising of Local Election Debates"

On November 9, 1983, the Federal Communications Commission broke new ground in allowing television and radio stations to stage their own political debates between candidates of their own choosing.[1] Heretofore, broadcast stations had been restricted to covering political debates staged by third party sponsors (such as The League of Women Voters) as bona fide news events. Previously, had stations sponsored their own debates, FCC regulations required that the stations include all the bona fide candidates to participate. This meant that major as well as minor party candidates were required to be invited.

Broadcasters had long opposed the regulation, in part because it prevented them from hosting a debate solely between the Republican and Democratic candidates in races which had other declared candidates. The 1983 change now gave "bona fide news" status to station sponsored debates and released them from delegating that sponsorship to outside parties. Broadcasters, according to the New York Times news story covering the regulation changes, "contended it would allow them to do a better job of presenting candidates and issues to the public".[2]

Section 315 of The Communications Act requires that if a station grants use of the broadcasting station to a legally qualified candidate, then all other qualified candidates for that office shall have equal access. Exceptions to the rule include appearances on on-the-spot coverage of bona

fide news events. It would appear then that qualified, minor party candidates no longer have equal access to airwaves. In interviews conducted with the television news managements at five Western New York commercial television stations, I found this to be true.

Previously, television and radio stations were at the mercy of outside sponsors to stage debates between candidates in hotly contested races or in races of high public interest. Now, stations can select those races to cover in debate format and the candidates who will participate in those debates.

This paper is intended as a status report on how five local commercial stations have interpreted their responsibility to serve the public in regards to televising local election debates.

In the course of the interviews conducted for this paper, two standards were clear: One, that the stations interviewed did have the public's interest clearly in mind and each endeavored to serve the public to which it had been licensed and two, that political debates were a losing proposition economically and had to be scheduled and formatted for maximum production value and minimum revenue loss.

I interviewed the news director or producer for special events at WOKR (ABC affiliate in Rochester), WIVB (CBS affiliate in Buffalo), WKBW (ABC affiliate in Buffalo), WTVH (CBS affiliate in Syracuse) and WIXT (ABC affiliate in Syracuse). Each station had sponsored election debates since 1983 (some had aired third party sponsored debates prior to that), and all planned to continue the practice. However, with the exception of one station, each station limited the number of debates to no more than two, with the majority preferring to do just one debate during an election season.

Universally, the news personnel interviewed agreed that they all chose the most hotly contested race of that particular season for which to host a debate. Their reasons were clear: This was the race that was getting the most public attention and therefore was in the public interest and thus would also be a TV program which would gather some viewers. Why then were other races not selected? As the special events producer at WTVH in Syracuse put it:

"An incumbent in this area that is largely Republican is easily going to be re-elected... or an incumbent in a Democratic area is going to easily be re-elected... so there's not much of a contest and those get less news coverage on the whole and it doesn't make sense for us to do a half hour or hour debate because it's a race that's probably pretty much already decided."[3]

Similarly, the special events producer at WIVB acknowledged that if the station determined a minor party candidate did not pose much of a threat to an incumbent, that race was not considered for coverage in a debate format.

Note the assumption of a pre-determined winner. These two producers and others interviewed noted that other sources of information were available to the public to find out about the non-televised races. The trend of more people seeking their news information from television sources is not proper, claim the news directors and producers. Television can't possibly provide all information to the public regarding political candidates, nor will it attempt to.

Selection of a particular race for a debate was based on what kind of television would result, while at the same time serving broad public interest. The news director of WOKR looked to the biggest contest of the viewing area, the race with the highest interest and, in this past year's

example, the closest race that had sparked significant national attention (in this case, a swing congressional seat in which a one-term Republican was being challenged by a popular Democrat). The national interest stemmed from the decision by the National Democratic Committee that this seat was winnable and thus the race received significant support from the National Committee.

Interestingly, minor party candidates were sometimes invited, sometimes not. When asked whether bona fide, actively campaigning third party candidates would be included in debates (the question asked in a hypothetical sense) most of the news directors said yes, such a minor party candidate would be included because to exclude them would not serve the public interest.

Said the news director of the ABC affiliate in Syracuse, "The active campaigner has got to be given access. If someone out there is attempting on a daily basis to raise issues, to hammer away at major party candidates, is doing all the traditional things that a candidate does, making statements, holding fund raisers, making himself available for interviews, making the point of view in a very public way, then we're responsible for two things, one is to cover that campaign as actively as we possibly can and also to provide the access. Though legally, we're not required to."[4]

However, when asked about <u>specific</u> debates which had taken place, third party candidates were often left out. The same news director just quoted acknowledged that in recent years (since 1983), debates have been confined to include only major party candidates - however - he notes, with negotiation with minor party candidates. This station offered equal access to these candidates but not in the same debate forum as offered the major party candidates. The special events producer of WTVH cited the recent congressional race and noted that the minor party candidate was not invited

to participate because of time and because, quote: "The race really was between Rosemary Pooler and George Wortly and ... I'm not sure it would have been in the public interest to put on a half hour debate and a third of that time be taken up by someone who really isn't even close in the ball game."[5] Yet the minor party candidate was on the ballot, was a bona fide candidate. While the producer seemed to think this candidate was doing some kind of campaigning, it was not to the extent of the major party candidates. That logic was evident in the decision making process at WIVB in Buffalo. The special events producer there acknowledged that the third party candidate(s) will be notified of the debate but "it's going to be a decision of several people here whether we invite them to participate."[6] When asked why would that candidate be excluded, the producer responded "because we don't think there's any way he could win or that they're not doing this as a serious bid for the office."[7] This producer argued that many minor party candidates are in fact running for ballot position for their party and not to win a specific office. Four of the five stations chose to produce their debates by themselves. Interestingly, WIVB coordinates its debates through The League of Women Voters (format, moderator, timekeepers) because "the league lends credibility."[8]

The assistant news director at WKBW was forthright in saying that the station probably would not include minor party candidates; and in fact the minor party candidate was excluded from the congressional debate staged last fall. Yet, she went on to say, a minor party candidate would be taken seriously if they seemed "to be getting a ground swell of support, if they have an issue that is a real thorn in the side of the leading candidates and if they seem to have the respect and the following (among voters) of the other candidates."[9] In other words, only if there was an equal splitting of

public opinion polls between three or more candidates would the non-major party candidates be deemed serious enough contenders to invite to a debate forum. Historically, minor party candidates do not have the financial resources of their major party contenders to purchase advertising and on-air commercial time. Television exposure is crucial to getting known to the public. When asked whether the public shouldn't see all the bona fide candidates - those candidates whose names would appear on the ballot - in a debate (if the station decided to sponsor one), the majority of those interviewed paused. Ideally yes, said several producers, but the formats and time available virtually prohibited that. When asked whether the practice of excluding minor party candidates from televised debates put those candidates at a disadvantage, those interviewed said probably. But, they argued, it was not the only factor that put the candidates at a disadvantage - historically, they countered, minor party candidates don't do well. Current practice regarding televising local debates would serve to continue that trend.

The debates that stations have done and will likely continue to do in the future segregate out the "hot" races, those contests which will grab the largest audience possible. Indeed, then, the argument can be made that in so much as a particular debate serves both the public's interest and that of the station (i.e., gathering an audience), then the debate will be seriously considered. But unlike other mass media (notably print), TV stations claim they cannot produce debate coverage in a number of races. I contend the correct verb is will not.

The news director at WOKR responded that a third party candidate would probably not be included even if that person were on the ballot because someone "who is on the ballot is far different from someone who's got a chance of winning or who could be a factor in the race in terms of swaying

Republicans or Democrats either way ... We're a mass medium and we're really trying to help the people who are going to essentially decide between the Republican and the Democrat."[10]

But I should make clear that minor party candidates were covered by all of the stations interviewed for this project within the forum of the daily newscasts. Reports on third party candidacies were presented on Noon, 6 o'clock or 11 o'clock newscasts with regularity; and in fact, such coverage gathers a larger audience than a debate. As the new director of the Syracuse CBS affiliate pointed out, coverage on the daily newscast was probably preferable to being included in a debate because the audience for the regular newscast was much larger. Another news director pointed out that the minor party candidate's viewpoint can be included in a debate via questioning from the moderator without the minor party candidate being present. Similarly, those interviewed said that the newspaper and cable channels and low-power TV stations now present the opportunity for more specific information to be presented on very localized races.

When stations decided to do a debate, they argued for (and often won) airtime in a prime-time access slot (7-8 PM) during the week. One station in Buffalo has even pre-empted prime-time programming over the objection of the network. Only one of the stations interviewed was restricted to half an hour. The other four regularly staged hour long debates. The Rochester ABC affiliate (WOKR) felt that half an hour for a debate was sufficient to present the candidates and a number of questions. In the case of the WOKR congressional debate, however, the half hour of airtime allowed for opening and closing statements from the candidates and only <u>one</u> question to each candidate. It is indeed questionable whether that forum was sufficient to present the candidates to the voting viewership. The news director said that

they had hoped for more questions but that they ran out of time. Yet the candidates' responses were being timed, so it was known before the broadcast aired how many questions were going to "fit".

Most of the news personnel interviewed cited negotiations with the programming department of the station manager as critical to the length of the debate. Those stations which aired hour-long debates said that half-hour debates were not adequate to present questions from reporters and questions from the candidates themselves. The station which aired the half-hour debate felt that they had gotten the best they could from their programming departments; and that by the time the debate aired anyway, most viewers were "debated" out. Furthermore, they questioned the impact an hour of 'talking head' television would have on voters. The other four stations were adamant, however, in their assessment that half an hour was an insufficient length of time and that an hour was the minimum preferred length.

The change in the law recognizes that stations should have more freedom in determining what they put on their air regarding political information. However, this writer cannot help but think that a station's right to select its own programming is not the only issue here. Included in that mix is a station's desire to gather an audience -- in fact, as large an audience as possible -- while serving the public to which they are licensed. The length of that programming will be subject to what's available and, in fact, whether a very popular/profitable program would be pre-empted. As the Rochester news director interviewed put it, we're fighting with the sales department and negotiating with the programming department. It may be more possible to schedule a debate in prime time access during the week if the station isn't doing well in that time slot anyway.[11]

The legitimacy of a minor party candidate's run for office is determined by the station -- and that, admittedly, may be determined by whether the minor party candidate can afford to conduct a legitimate looking campaign. As noted earlier, those interviewed for this paper cited one criterion for determining whether a minor party candidate would be included in a debate was whether that candidate was doing campaign types of activities including purchasing commercial time. The restraints of the medium, argued those interviewed, are such that it's going to make for bad television if more than two candidates participate. Unfortunately, the inclusion of minor party candidates may also depend on whether a candidate is media wise. The assistant news director of WKBW in Buffalo confided that:

"It's a terrible thing, but sometimes if you have to put a lot of work into it (covering a third party candidate), to make sure you're not putting something on the air that is libelous, you tend to stay away from it or tend to soft pedal it by giving it 15 seconds ... They're not very media smart and that is part of the problem. If they were very media smart and slick, then we would tend to recognize them more, I'm sure of it."[12]

In conclusion, the decision over whether minor party candidates will be invited to participate in televised debates rests with each individual station. Which is as it should be - television stations should not be told what to air. However, to posture that by having only major party candidates in a televised debate is best serving the public interest does not fully reveal all of the other interests considered: Namely, production value, convenience of format, and minimizing revenue losses.

The 1983 change lifted a burden from the shoulders of television and radio broadcasters, but I would argue whether broadcasters aren't taking advantage of the rule.

FOOTNOTES

[1] New York Times, November 9, 1983. I, 9:1.

[2] Ibid.

[3] Interview with Louis Gulino, Special Events Producer WTVH, Syracuse, NY 3/12/87.

[4] Interview with Jeff Scheidecker, News Director WIXT, Syracuse, NY 3/12/87.

[5] Gulino Op. Cit.

[6] Interview with Karen Sacks, Special Events Producer WIVB, Buffalo NY 3/5/87.

[7] Ibid.

[8] Ibid.

[9] Interview with Nancy Sanders, Assistant News Director WKBW, Buffalo NY 3/13/87.

[10] Interview with Gil Buettner, News Director WOKR, Rochester, NY 2/24/87.

[11] Ibid.

[12] Sanders Op. Cit.